

Amendment No. 2 to SB0866

**Kelsey
Signature of Sponsor**

AMEND Senate Bill No. 866

House Bill No. 959*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 1, Part 1 is amended by adding the following as a new section:

(a) A minor commits illegal use of a telecommunication device who:

(1) Intentionally or knowingly, by use of a telecommunication device, transmits, distributes, publishes, or disseminates a photograph, video, or other material that contains a sexually explicit image of a minor; or

(2) Intentionally possesses a photograph, video, or other material that contains a sexually explicit image of a minor.

(b) A minor does not violate subdivision (a)(2) if:

(1) The minor did not solicit the photograph, video, or other material; and

(2) The minor:

(A) Deleted the photograph, video, or other material; or

(B) Reported the photograph, video, or other material to the

minor's parent or legal guardian or to a school or law enforcement official.

(c) Illegal use of a telecommunication device committed under subsection (a) is considered an unruly act, for which a court may make a disposition as authorized by § 37-1-132.

SECTION 2. Tennessee Code Annotated, Section 37-1-102(b), is amended by adding the following as new, appropriately designated subdivisions:

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() "Sexually explicit image" means a lewd or lascivious visual depiction of a minor's genitals, pubic area, breast, or buttocks, or nudity, if such nudity is depicted for the purpose of sexual stimulation or gratification of any person who might view such nudity;

() "Telecommunication device" has the same meaning as defined in § 39-16-201;

SECTION 3. Tennessee Code Annotated, Section 39-17-1003, is amended by adding the following as a new subsection (g):

(g) A minor does not violate this section if:

(1) The material in possession of the minor that violates subsection (a) depicts only the minor; or

(2)

(A) The minor did not solicit the material; and

(B) The minor:

(i) Deleted the material; or

(ii) Reported the material to the minor's parent or legal guardian or to a school or law enforcement official.

SECTION 4. This act shall take effect July 1, 2017, the public welfare requiring it.